



MAYOR AND COUNCIL AGENDA

NO. 4

DEPT.:Community Planning and Development Services DATE PREPARED: 9/20/05
STAFF CONTACT: Somer Cross FOR MEETING OF: 9/26/05

SUBJECT: Public comment on a draft resolution to temporarily halt (6-months) the construction, reconstruction, or alteration of single-family houses that are significantly larger than typical houses in the surrounding neighborhood.

RECOMMENDATION: Receive public comment on the draft resolution.

DISCUSSION:

In response to a growing concern by the Mayor and Council, and in the community, about disproportionately sized houses, as compared to the surrounding neighborhood, staff presented a regulatory proposal on September 12, for a zoning text amendment. At that meeting, the Mayor and Council addressed their concern regarding the continuation of current standards, and the negative impact continued reconstruction could have on the community, until new regulations can be adopted.

On September 19, the Mayor and Council provided specific recommendations to include in a temporary moratorium to halt the development of large-scale housing that would not comply with the desired regulations to be adopted. These limitations, as currently proposed, would halt the construction, reconstruction, or alteration of any single-family structure that:

1. Is more than 35' in height measured to the peak of the structure, currently from the street grade, though that is subject to change;
2. Covers more than 30% of the lot;
3. Does not include an additional side-yard setback of 2' for every 1' above 25' in height.

The Mayor and Council have addressed their desire to modify the way height is measured. After initial research, the following list presents possible measuring methods.

1. The average elevation of the finished grades along all sides of the building – at no point may the finished grade be higher than the pre-development grade (considered prior to the application of the building or demolition permit). Montgomery County, MD
2. The vertical distance measured at the existing grade of the lot at the perimeter of the building to the highest point of the roof surface. The vertical distance shall be calculated by averaging the above described distance at four (4) points at the perimeter of the building. The four (4) points shall include two (2) points each on the front and rear of the building, at the points closest to the applicable side lot lines. Arlington, VA

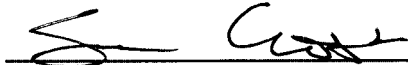
3. The vertical distance derived from the average finished grade at the foundation corners of the building or structure. Cumberland, MD
4. The vertical measurement taken from the average elevation of the four furthest most corners of the zoning lot. Geneva, IL
5. Measured from the lower of the front average elevation or the rear average elevation.

This resolution will apply only to applications for single-family dwelling, or residential building permits submitted to the Inspection Services Department of the City of Rockville, after September 12, 2005. In addition, applicants who can demonstrate that they have architectural review approval from their neighborhood associations are exempt from this moratorium. A waiver provision is also included for those applicants who will face an undue hardship if not permitted to apply within the terms and timeframe of the moratorium. The Board of Appeals will hear any applications for a waiver.

A letter has been sent out to all applicants who filed for a single-family dwelling or residential building permit with the City of Rockville after September 12, 2005. A separate letter has been provided to the planning, public works, and inspection services departments to hand out to any potential applicant. These letters outline the current provisions of the moratorium; and warn that the proposed construction, reconstruction or alteration may be subject to this temporary hold on development. In addition, the development may be subject to the new provisions of the text amendment.

Next Steps: Consider the resolution for adoption on October 10, 2005.

PREPARED BY:



Somer Cross, Planner II

APPROVED BY:



Jim Wasilak, Chief of Planning

9-20-05

DATE

APPROVED BY:



Arthur D. Chambers, AICP
Director, Community Planning & Development Services

9/20/05
DATE

APPROVED BY:



Scott Ullery, City Manager

9-20-05
DATE

LIST OF ATTACHMENTS:

1. Resolution
2. Sample letter to applicants who filed after September 12, 2005.
3. Sample letter to applicants who filed on or before September 12, 2005.
4. Letter to possible applicants provided at counters.

REVISED DRAFT

Resolution No. _____ RESOLUTION: To establish a six-month moratorium on the acceptance, processing and approval of certain applications for permits for the construction, reconstruction, or alteration of detached single-family residential structures, and to provide for certain exceptions and waivers to the moratorium.

WHEREAS, the City of Rockville's varied and distinct residential neighborhoods possess a special character, manifested by a variety of architecture, open space, mature tree canopy in many neighborhoods, and feeling of community; and

WHEREAS, due to increasing development pressure, there has been increased construction activity in many of the City's established neighborhoods and a rise in applications to construct, reconstruct, or alter detached single-family houses in a manner that results in significantly larger structures than previously existed and/or larger than other existing houses in the surrounding neighborhood; and

WHEREAS, the construction, reconstruction, or alteration of detached single-family homes resulting in structures that are significantly larger in mass, footprint, and height than other typical houses in the neighborhood often block light and air to adjoining property, tower over adjoining residential structures, are out of place with and undermine the special feel and character of the neighborhood, increase stormwater run off, result in increased lot coverage with its attendant negative aesthetic and environmental impact, contribute to the loss of trees, green space, open space, privacy, and adversely affect the peaceful enjoyment and use of neighboring properties, all to the detriment of the best interests and general welfare of the City and its residents; and

WHEREAS, the Mayor and Council is considering measures that would address these concerns, including but not limited to (1) adoption of increased building setback requirements; (2) modifying standards for lot coverage of main residential structures; and (3) adoption of greater height limitations; and

WHEREAS, the continued construction, reconstruction, or alteration of detached single-family houses, which during the pendency of these planning processes will result in substantially larger houses than typical in the neighborhood, is likely to cause further erosion of the special character of the City's diverse neighborhoods, negatively affect the quality of life of existing residents, and threaten to frustrate or prevent the City from effectively implementing appropriate measures to protect its neighborhoods and its residents; and

WHEREAS, the Mayor and Council has determined that this construction, reconstruction, and alteration activity does not present concerns for neighborhoods that have binding covenants and an architectural process to ensure compatibility of any proposed construction, reconstruction, or alteration of a detached single-family house with the surrounding neighborhood; and

WHEREAS, the Mayor and Council has determined that it is in the best interest, and serves the general welfare, of the City and its residents to impose a temporary moratorium on the issuance of permits for certain construction, reconstruction, and/or alteration of detached single-family houses in certain neighborhoods, as more specifically set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

1. There is hereby established a temporary moratorium on the acceptance, processing, and approval of any application for a permit for the construction, reconstruction, or alteration of a detached single-family residential house that results in a structure that has any of the following characteristics:

(a) is 35 feet or higher, measured from the foundation of the house or the pre-construction lot grade, whichever is lower, to the peak of the roof;

(b) does not provide an additional side yard setback of 2 feet for every 1-foot of structure above 25 feet in height;

(c) covers more than 30% of the lot;

2. This moratorium does not apply to permit applications filed with the Department of Community Planning and Development Services on or before September 12, 2005;

3. This moratorium does not apply to permit applications for the construction, reconstruction, or alteration of a detached single-family house subject to neighborhood covenants and binding architectural review where it is demonstrated that approval under that review process has been obtained for the proposed construction, reconstruction, or alteration.

4. A waiver from the moratorium established herein may be granted by the Board of Appeals upon a finding that the application of the moratorium will constitute an undue hardship to the property owner and that the waiver could be granted without substantial impairment to the purposes and objectives of the temporary moratorium. A waiver request shall be made on forms provided by the Department of Community Planning and

Development Services, and shall be heard and decided generally in accordance with the procedure for hearing and deciding variances.

5. The Department of Community Planning and Development Services is hereby directed not to accept, process, approve, or take any further action on any applications for a building permit or a single family development ("SFD") permit for the construction, reconstruction, or alteration of a detached single-family residential structure covered by the moratorium established by this resolution.

6. The moratorium established herein shall take effect immediately and remain in effect until March 19, 2006.

* * * * *

I hereby certify that the foregoing is a true and correct copy
of a resolution adopted by the Mayor and Council at its
meeting of

Claire F. Funkhouser, CMC, City Clerk



September 20, 2005

[Insert Applicant and Owner Address]

RE: Permit No. _____

Dear _____:

You are receiving this letter because you, or someone on your behalf, have applied for a residential building permit to construct, alter, or enlarge your house on or before September 12, 2005.

There has been discussion of the City regarding the implementation of a moratorium on the construction of new houses and substantial additions. The Mayor and Council have stated that if an application was submitted prior to September 12, 2005, it would not be affected. Therefore, we are continuing to process your application in accordance with existing requirements and regulations. When you have met all of the requirements, your permit will be issued.

The Mayor and Council of Rockville is concerned about the trend toward over-sized and incompatible houses being constructed in various neighborhoods throughout the City. They met on September 12, 2005 to discuss the best method to address the negative affects of these oversized and incompatible houses, and have directed that an amendment to the Zoning Ordinance be prepared for their consideration, which will limit the negative affects of such houses. The text amendment is likely to include, but not necessarily be limited to, the following:

In all residential districts:

- Reduction of the allowable height for detached single-family structures; and
- Addition of a main structure lot coverage requirement.

In the R-60, R-75, and R-90 districts:

- Requirement for additional setbacks for structures higher than 25'

Due to public hearings and other procedural requirements, this amendment cannot be adopted until early 2006. In order to protect City neighborhoods from further negative impact of oversized, incompatible houses pending their final action on the text amendment, the Mayor and Council are considering a temporary (6-month) restriction on the acceptance and processing of permit applications for residential construction activity that result in houses that exceed certain height, footprint, and square footage limits.

According to the City's records, you, or someone on your behalf, have applied for a residential building permit to construct, alter, or enlarge your house on or before September 12, 2005. The Mayor and Council have stated that if it is not their intent to affect those

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Historic Preservation Office
240-314-8230

Inspection Services Division
240-314-8240

Long Range Planning
Division
240-314-8200

Planning Division
240-314-8220

Revitalization/Housing
Division
240-314-8200

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Scott Ullery

CITY CLERK
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applicants filed prior to September, 12. If the Mayor and Council adopt the aforementioned temporary restrictions, **as currently drafted, your application will not be affected and may continue to be processed under current standards.**

There will be an opportunity for public comment on the proposed limitations at the Mayor and Council meeting at 7 p.m. in City Hall, on September 26, 2005. The Mayor and Council will consider adopting a resolution imposing these temporary limitations at its meeting on October 10, 2005. The resolution, and the restrictions established therein, may be modified at any time during this process.

The public hearing on the zoning text amendment is still to be scheduled but will be held sometime in the next few months. For the latest meeting schedules and agendas, please visit the City's website at:

<http://www.rockvillemd.gov/government/mc/index.htm>.

If you have any questions, you may contact the Planning Department at 240.314.8200 or send an e-mail to Somer Cross at scross@rockvillemd.gov.

Sincerely,

Arthur D. Chambers, AICP, Director
Community Planning and Development
Services

September 20, 2005

[Insert Applicant and Owner Address]

RE: Permit No. _____

Dear _____:

You are receiving this letter because you, or someone on your behalf, have applied for a residential building permit to construct, alter, or enlarge your house after September 12, 2005.

There has been discussion of the City regarding the implementation of a moratorium on the construction of new houses and substantial additions. The Mayor and Council of Rockville is concerned about the trend toward over-sized and incompatible houses being constructed in various neighborhoods throughout the City. They met on September 12, 2005 to discuss the best method to address the negative affects of these oversized and incompatible houses, and have directed that an amendment to the Zoning Ordinance be prepared for their consideration, which will limit the negative affects of such houses. The text amendment is likely to include, but not necessarily be limited to, the following:

In all residential districts:

- Reduction of the allowable height for detached single-family structures; and
- Addition of lot coverage requirements for main structures on a lot.

In the R-60, R-75, and R-90 districts:

- Requirement for additional setbacks for structures higher than 25'

Due to public hearings and other procedural requirements, this amendment cannot be adopted until early 2006. In order to protect City neighborhoods from further negative impact of oversized, incompatible houses pending their final action on the text amendment, the Mayor and Council are considering a temporary (6-month) restriction on the acceptance and processing of permit applications for residential construction activity that result in houses that exceed certain height, footprint, and square footage limits.

According to the City's records, you, or someone on your behalf, have applied for a residential building permit to construct, alter, or enlarge your house after September 12, 2005. If adopted by the Mayor and Council as currently contemplated, these restriction would prevent the further processing of your permit application if your proposed construction activity will create a residential structure that:

(a) exceeds 35' high measured to the peak of the roof;

(b) will, alone, exceed 30% of the lot; or

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(c) does not include a 2' additional side yard setback for every 1' in height above 25'.

There will be an opportunity for public comment on the proposed limitations at the Mayor and Council at 7 p.m. at City Hall on September 26, 2005. The Mayor and Council will consider adopting a resolution to impose these temporary limitations at its meeting on October 10, 2005. The resolution, and the restrictions established therein, may be modified at any time during this process.

The public hearing on the zoning text amendment is still to be scheduled but will be held sometime in the next few months. For the latest meeting schedules and agendas, please visit the City's website at:

<http://www.rockvillemd.gov/government/mc/index.htm>.

If you have any questions, you may contact the Planning Department at 240.314.8200 or send an e-mail to Somer Cross scross@rockvillemd.gov.

Sincerely,

Arthur D. Chambers, AICP, Director
Community Planning and Development
Services

9/20/2005

ATTENTION APPLICANT

You are receiving this document, if you are considering applying for a residential building permit to construct, alter, or enlarge your house.

The Mayor and Council of Rockville are concerned about the trend toward oversized and incompatible houses being constructed in various neighborhoods throughout the City. They met on September 12, 2005 to discuss the best method to address the negative affects of oversized and incompatible houses, and have directed that an amendment to the Zoning Ordinance be prepared for their consideration. The text amendment will limit the negative affects of disproportionate construction, reconstruction, and alterations of single-family homes. The text amendment is likely to include, but not necessarily be limited to, the following:

In all residential districts:

- Reduction of the height allowance for detached single-family structures; and
- Addition of a main structure lot coverage requirement.

In the R-60, R-75, and R-90 districts:

- Requirement for additional setbacks for structures higher than 25'

Due to public hearing and other procedural requirements, this amendment cannot be adopted until early 2006. In order to protect City neighborhoods from further negative impact of oversized, incompatible houses pending their final action on the text amendment, the Mayor and Council are considering a temporary (6-month) restriction on the acceptance and processing of permit applications for some residential construction activity. Any application filed after September 12, 2005, may be subject to a temporary moratorium imposed by the Mayor and Council.

If you are considering applying for a residential building permit to construct, alter, or enlarge your house, please be aware that the processing of your application may be halted if it fails to meet the restrictions of the moratorium. If the temporary restrictions are adopted by the Mayor and Council as currently drafted, these restriction would prevent the further processing of your permit application if your proposed construction activity will create a residential structure that:

- (a) exceeds 35' high measured to the peak of the roof;
- (b) will, alone, exceed 30% of the lot; or
- (c) does not include a 2' additional side yard setback for every 1' in height above 25'.

Please be aware that if you proceed with your application at this time, you may need to re-apply to conform to the future text amendment. Whether your application will meet the future guidelines will not be determined until the amendment is adopted. If denied, due to the requirements of the text amendment, your fee will be returned to you; however, due to the restriction on development, determination of denial or approval could take 6 months or more.

There will be an opportunity for public comment on the proposed limitations at the Mayor and Council meeting at 7 p.m. at City Hall on September 26, 2005. The Mayor and Council will consider adopting a resolution to impose these temporary limitations at its meeting on October 10, 2005. The resolution, and the restrictions established therein, may be modified at any time during this process.

The public hearing on the zoning text amendment is still to be scheduled but will be held sometime in the next few months. For the latest meeting schedules, please visit the City's Web site at:

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